

## REMARKS

Claims 8-12 and 15-19 are pending.

In paragraph 3 on page 3 of the Office Action, claims 8-21 were rejected under 35 U.S.C. §103(a) as being unpatentable over Day in view of Chowdhury, DeMoney Katinsky, Duso and Ullman.

Applicant respectfully traverses the rejection.

Independent claim 8 sets forth a session manager, for interacting with said subscriber equipment and maintaining a plurality of play lists created by the subscriber, wherein each playlist is associated with a respective subscriber, said playlist defining a plurality of content streams to be provided to said subscriber equipment and identifying a location of content streams defined in the playlist and auxiliary streams associated therewith, said playlist further identifying reverse and fast-forward streams associated with each one of said plurality of content streams, each content stream comprising a plurality of splicing entry and exit points dispersed therein to enable transitioning between said plurality of content streams, wherein said splicing entry and exit points are identified within transport packet headers of each one of said plurality of content streams, a server, for storing content streams configured to facilitate inter-asset transition to provide seamless splicing and a server controller for retrieving from said server, content streams defined by said playlist, said content streams being sequentially provided to said subscriber equipment, said server controller, in response to determining that a remaining portion of a current content stream provided to said subscriber equipment is below a threshold, communicating a termination notification to said session manager, said session manager, in response to receiving said termination notification,

communicating a request to said server controller identifying from said playlist a next content stream to be provided to said subscriber equipment from the server, said session manager further maintaining said playlist after content streams defined by said playlist have been provided to said subscriber equipment and modifying said playlist in response to playlist modification commands received from said subscriber equipment in response to input from the subscriber, wherein a next content stream in said playlist is spliced at an entry point associated with an exit point of a current content stream being provided to said subscriber equipment. Independent claim 16 sets forth similar elements.

Day fails to disclose, teach or suggest a playlist defining content streams is created or modified by the subscriber. Rather, Day discloses that a playlist comprising video segments to be streamed is created by the control server 211. The control server 211 functionality is to provide resource management and admission control for the entire server complex and includes the selection of data pumps and videos command processing. Thus, the "playlist" of Day is different from the "playlist" recited in claim 8, and Day discloses that the playlist is created automatically by the control server 211. Thus, Day fails to disclose, teach or suggest a playlist defining a plurality of content streams is created by a subscriber.

Day also fails to disclose, teach or suggest a server controller determining that a remaining portion of a current content stream provided to said subscriber equipment is below a threshold and, in response thereto, communicating a termination notification to said session manager. Rather, Day is silent regarding communicating a "termination notification" from a server controller to a session manager.

Thus, Day fails to disclose, teach or suggest the invention as defined in independent claims 8 and 16.

Chowdhury fails to overcome the deficiencies of Day. The Final Office Action cites Chowdhury as disclosing a server controller communicating a termination notification to said session manager.

However, Applicant respectfully submits that Chowdhury discloses a file exporter makes a queue next file command to the minimal copy software. The file exporter is a part of the control program. Further, there are as many file exporters as there are channels. Thus, the file exporter, taken in isolation, would most closely be analogous to the session manager 145, not the server controller 108. Accordingly, as interpreted most analogously to claim 8, Chowdhury discloses that the “termination notification” (i.e., queue next file command) is sent by the session manager to the server controller, not the by the session controller to the session manager. The control program controls the copy session and the minimal copy software controls the transfer of data from the storage device. In addition, Chowdhury discloses that the control program maintains the playlist thereby re-enforcing the analogy of the control program to the session manager.

Thus, Chowdhury fails to disclose, teach or suggest a server controller determining that a remaining portion of a current content stream provided to said subscriber equipment is below a threshold and, in response thereto, communicating a termination notification to said session manager.

Chowdhury also fails disclose, teach or suggest that a playlist defining content streams is created or modified by the subscriber.

Thus, Day and Chowdhury, alone or in combination, fail to disclose, teach or suggest the invention as defined in independent claims 8 and 16.

Duso fails to overcome the deficiencies of Day and Chowdhury. Duso is merely cited as disclosing the step of identifying the next segment when prefetching the track from playlist. However, Duso fails to disclose, teach or suggest that a playlist defining content streams is created or modified by the subscriber.

Duso also fails to suggest a server controller determining that a remaining portion of a current content stream provided to said subscriber equipment is below a threshold and, in response thereto, communicating a termination notification to said session manager.

Thus, Day, Chowdhury and Duso, alone or in combination, fail to disclose, teach or suggest the invention as defined in independent claims 8 and 16.

DeMoney, Katinsky and Ullman fail to overcome the deficiencies of Day, Chowdhury and Duso. DeMoney is merely cited as disclosing implementing VCR style functions. However, Demoney fails to suggest the elements discussed above with regard to Day, Chowdhury and Duso.

Katinsky is merely cited as disclosing using a media player interface to modify a playlist by adding or deleting content streams. According to Katinsky, a web page displays a play list that maintains an order in which one or more media objects are played by a media player. However, Katinsky fails to disclose a playlist of content streams created by a subscriber that is maintained by a session manager. Rather, Katinsky merely discloses an Internet site having a first database to store information about a plurality of

media objects, a second database to store information about how the media objects are to be presented by a media player.

However, Applicant respectfully submits that Katinsky fails to suggest that a playlist defining content streams is created or modified by the subscriber. Katinsky also fails to suggest a server controller determining that a remaining portion of a current content stream provided to said subscriber equipment is below a threshold and, in response thereto, communicating a termination notification to said session manager.

Ullman is merely cited as disclosing saving playlists at a server for subsequent access by users. Ullman, however, does not suggest that a playlist defining content streams is created or modified by the subscriber. Ullman also fails to suggest a server controller determining that a remaining portion of a current content stream provided to said subscriber equipment is below a threshold and, in response thereto, communicating a termination notification to said session manager.

Thus, Day, Chowdhury, Duso, DeMoney, Katinsky and Ullman, alone or in combination, fail to disclose, teach or suggest the invention as defined in independent claims 8 and 16.

Dependent claims 9-12, 15 and 17-19 are also patentable over the references, because they incorporate all of the limitations of the corresponding independent claims 8 and 16, respectively. Further dependent claims 9-12, 15 and 17-19 recite additional novel elements and limitations. Applicant reserves the right to argue independently the patentability of these additional novel aspects. Therefore, Applicant respectfully submits that dependent claims 9-12, 15 and 17-19 are patentable over the cited references.

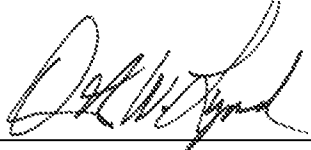
On the basis of the above amendments and remarks, it is respectfully submitted that the claims are in immediate condition for allowance. Accordingly, reconsideration of this application and its allowance are requested.

If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Attorney for Applicant, David W. Lynch, at 865-380-5976. If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 13-2725 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

Merchant & Gould  
P.O. Box 2903  
Minneapolis, MN 55402-0903  
(865) 380-5976

**94140**

By:   
Name: David W. Lynch  
Reg. No.: 36,204